

# Environmental Analysis

## NEPA Documents – Categorical Exclusions

Applicability  
Regulations, Guidance, and Policy  
Development  
Document Preparation  
Review and Approval

### APPLICABILITY

For GDOT projects involving federal actions, such as federal-aid projects and projects with interstate right-of-way (ROW) encroachments, the Federal Highway Administration (FHWA) ensures National Environmental Policy Act (NEPA) compliance through review and approval of NEPA documents, including Categorical Exclusions (CEs). The Environmental Analyst prepares CEs for those projects that do not individually or cumulatively have a significant environmental effect. At GDOT, there are two types of CE documents:

- > CEs, which must be reviewed and approved by FHWA; and
- > Programmatic CEs (PCEs), which—by agreement with FHWA—are approved internally by GDOT's Office of Environmental Services (OES).

CEs and PCEs are prepared for the majority of GDOT's federal-aid projects. These include intersection improvements, pedestrian or enhancement projects, and bridge replacements.

### REGULATIONS, GUIDANCE, AND POLICY

CE documentation is defined by federal laws and regulations and is developed by policies, guidance, and agreements between FHWA and GDOT.

#### National Environmental Policy Act

NEPA is an umbrella law that encompasses a wide range of environmental laws. It requires that federal agencies consider environmental consequences when developing their projects and programs. NEPA also requires that the agency taking the federal action issue a public environmental document to disclose the decision-making process and environmental impacts of the project.

A transportation project's potential to impact the environment varies. US Department of Transportation (USDOT) regulations, 23 Code of Federal Regulations (CFR) 771.115, define projects and their documentation under three classes of action:

- > Class I, Environmental Impact Statements (EIS) are prepared for projects whose action will have a significant effect on the environment.
- > Class II, CEs are prepared for projects that do not individually or cumulatively have a significant environmental effect.
- > Class III, Environmental Assessments (EA) are prepared for projects in which the significance of the environmental impact is not clearly defined. All actions that are not Class I or II are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental document required.

FHWA regulations further define CEs as “actions which do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.” 23 CFR 771.117(a).

### CE Projects

A list of actions predetermined to qualify as CEs can be found in 23 CFR 771.117(c). Other projects, pursuant to 23 CFR 771.117(d), may qualify as CEs if appropriate. OES leadership has a good sense of what projects qualify as CEs, but, if there is doubt, the OES Environmental Analyst may coordinate with the FHWA Reviewer to determine the class of environmental documentation.

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## Categorical Exclusions 23 CFR 771.117(c) and (d)

### Federal Highway Administration

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Because major widening projects, new location roadways, and new location interchanges have a high potential for significant adverse effects they typically cannot advance as CEs. But even minor projects cannot advance as CEs if they have the potential for significant environmental impacts. For example, a shoulder widening project is generally considered minor and could advance as a CE. But, if that project was on a causeway surrounded by

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high-quality marshlands, protected species, and a National Monument, it would likely require an EA to determine if significant impacts are present.

The project team may anticipate the required NEPA documentation, but the results of environmental technical studies and coordination may affect the project's potential for significant adverse effects. This may elevate a minor project from a CE to an EA. The Environmental Analyst should be alert for the following conditions:

- > An Individual Section 4(f) Evaluation;
- > Formal Section 7 Coordination (adverse effect(s) to protected species);
- > Adverse effect(s) to archaeological and/or historic resources
- > Residential or commercial displacements
- > Disproportionately adverse effects to environmental justice communities
- > Changes to access (median placement, driveway removal, converting a roadway into a cul-de-sac, or intersection control);
- > Adverse noise impacts;
- > An Individual Section 404 Permit; and
- > Substantial public controversy.

These conditions may be addressed in CE documentation, but, if several are present, an EA may need to be considered. The OES Environmental Analyst should coordinate with the FHWA Reviewer to confirm.

### PCE Agreement

For projects specifically listed in 23 CFR 771.117(c) and (d), GDOT and FHWA Georgia Division developed the PCE Agreement to authorize GDOT to determine on behalf of FHWA whether a project qualifies as a CE.

For projects that may qualify for this agreement, the Environmental Analyst uses the PCE Checklist to ensure the project meets the requirements of the agreement and can advance as a PCE. The agreement allows for time savings in the schedule, because PCEs take less time to produce and involve less agency review.

The Environmental Analyst should review the checklist early to determine if the project could advance as a PCE. Additionally, the Environmental Analyst should coordinate with designers to minimize project impacts and keep the project below PCE impact thresholds. Table 1 below provides a quick reference of what conditions may disqualify a project from the PCE.

Table 1 – PCE Disqualifying Conditions Quick Reference

Checklist Item	Disqualifying Condition of the Project
Planning	If it is not included in the State Transportation Improvement Program or Transportation Improvement Programs (urban)
Type of CE	If it is a project type NOT included in the (c) or (d) list, or adds capacity beyond the existing operation ROW
Independent Utility and Logical Termini	If FHWA does not concur with the logical termini package (if required)
Right of Way Requirements	If it requires displacements OR impairs land use functions
Permanent Access Changes	If it involves permanent changes in access (defined further by the agreement)
Public Controversy	If it is controversial (defined further by the agreement)
Environmental Justice	If it results in a disproportionately high and adverse impact to low-income or minority populations
Floodplain/Floodway	If it encroaches on a regulatory floodway or affects the base floodplain elevations of a water course or lake
Section 6(f) of the LWCA	If it requires land under the protection of Section 6(f)
Coastal Zone Management Act	If it includes impacts in consistent with the coastal zone management plan
Farmland Protection Policy Act	If the farmland impact rating is over 160 points
Traffic Disruptions during construction	If major traffic disruptions (defined as <i>controversial</i> access changes, detours, closures during construction; or lack of local support, including schools and emergency response)
Underground Storage Tanks (USTs)/Hazardous Materials	If it affects USTs, hazardous waste/materials, or remedial/monitoring systems for site cleanup (consult the project's approved Phase I and/or Phase II Environmental Site Assessment)
Archaeology Resources	If it results in an adverse effect
Historic Resources	If it results in an adverse effect
Section 4(f) of DOT Act	If it requires an individual or programmatic 4(f) evaluation (If it requires use that cannot be documented as <i>de minimis</i> )
Ecology Resources	If it requires formal Section 7 consultation If it results in a "take" Bald & Gold Eagle Protection Act If reduces quality or quantity of Essential Fish Habitat
Air	If it does not conform to the State Implementation Plan
Noise	If it is defined as a "Type I project" for noise
Permits	If a US Army Corps of Engineer Individual Permit is required If a US Coast Guard permit is required
Other	If it affects a river in the National System of Wild and Scenic Rivers (component of or proposed)

Source: Summarized from Programmatic Categorical Exclusion Agreement. See the agreement for details.

The PCE agreement is available at the link below:

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## Programmatic Categorical Exclusion Agreement

GDOT and FHWA, August 2018

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### DEVELOPMENT

CE and even PCE projects require many of the same activities for their development as EA-level projects. However, the level of detail documenting these activities is typically less. As with all projects, the Environmental Analyst must be particularly aware of the schedule during development.

#### Baseline Schedules

The Baseline Schedule for a CE to advance from the start of environmental studies (P6 activity 11412) to CE approval (P6 activity 14533) is typically 21 months. For a PCE, the Baseline Schedule is 12 months. These schedules allow for only one survey season for threatened and endangered species. If more than one is required, document approval may be delayed.

#### Resource Identification and Technical Documentation

CEs and PCEs are final environmental documents. The resource identification survey reports, Avoidance and Minimization Measures Meeting (A3M) activities (if required), assessments of effects (AOEs), and resource agency concurrences must be completed before the Environmental Analyst submits the document for review and approval. CE preparation, however, should be underway during the project's development so it can quickly be submitted after the final agency concurrence. In some cases, when it is necessary to recover a project schedule, the Environmental Analyst may submit the document for review concurrent with an AOE review or a resource agency review. Consultant Environmental Analysts must coordinate with OES in advance for concurrent reviews. For concurrent or expedited reviews with FHWA, OES must submit a formal request with the FHWA reviewer. A concurrent or expedited review with FHWA or other external agencies should only be requested as a last resort to recover a project schedule.

Additionally, as technical documents are completed, the Environmental Analyst must coordinate with the Environmental Subject Matter Experts (SMEs) to develop the Environmental Commitments Table (aka Green Sheet). Before CE or PCE submittal, the Environmental Commitments Tables must be either in review or approved by the OES Environmental SMEs, the Project Manager, and the Engineer of Record. Environmental

Commitments Table approval emails must be attached to the green sheet before the PCE can be approved or the CE submitted to FHWA.

### Public Involvement

Projects qualifying as CEs or PCEs may include public involvement. If the project involves one or more of the following conditions, public involvement is typically included in the project schedule:

- > Displacements, commercial or residential (disqualifies the project from the PCE agreement);
- > Changes to access, such as median placement, driveway removal, converting a roadway into a cul-de-sac, or intersection control (disqualifies the project from the PCE agreement);
- > The potential for public controversy, e.g., installation of a roundabout in an area unfamiliar with roundabouts; restriping to create a diverging diamond interchange; significant changes to land use – loss of front yards, major loss of parking (disqualifies the project from the PCE agreement);
- > Disruptive activities during construction, such as an off-site detour; and
- > Section 4(f) *de minimis* finding for public parks, recreation areas, wildlife and waterfowl refuges.

The above list is not exhaustive. The Environmental Analyst should always be alert to other circumstances where public involvement would advance the project. Public involvement of some form or another should be considered for every project, even when no formal activities are conducted. Depending on the project circumstances, the Environmental Analyst may employ public involvement strategies other than a typical Public Involvement Open House (PIOH). In some cases, flyers, signs, newspaper ads, a virtual PIOH or some other effort may be more effective than the typical PIOH. If the project team decides to deviate from the typical PIOH, OES may need to coordinate a Public Involvement Plan with FHWA to employ these strategies.

If a public involvement activity—such as a PIOH—is conducted, the public comment period must be closed and a letter from GDOT responding to the public’s comments must be sent before submitting the CE to FHWA or GDOT approval of the PCE. On rare occasions, OES and FHWA may determine that the purpose of the PIOH is to notify the public of construction. The notification PIOH may be held closer to the project’s certification for letting and included in the project’s final Reevaluation. This type of public involvement activity is typically a commitment on the Environmental Commitments Table.

## DOCUMENT PREPARATION

For PCEs and CEs, environmental documentation must be prepared. The documentation demonstrates that the project either meets the requirements of the PCE Agreement or provides an effects evaluation sufficient for the project's approval as a CE. For CEs and PCEs, an Environmental Commitments Table must be included with the documentation. Templates for these documents may be updated at any time. The Environmental Analyst should always download the latest version of the template from the Environmental SharePoint Site.

### Programmatic Categorical Exclusion

The PCE Checklist is composed of general project information followed by a series of short statements confirming that the project meets specific requirements of the PCE Agreement. These statements are developed through dropdown menus and checkboxes throughout the checklist document. The checklist also asserts that documentation to support these statements is available in the project file, if applicable. The Environmental Analyst is responsible for ensuring that this documentation is available before submitting the PCE Checklist for review. All supporting documentation should be in the project file on ProjectWise. Table 2 below lists the documentation needed.

Table 2 – PCE Required Documentation

Document
All Section 106 documentation (including tribal coordination)
All Section 7 documentation, including effect determinations and correspondence
Fish and Wildlife Coordination Act documentation, including correspondence, if required
Early Coordination Letters and Responses
Public Involvement Information, if conducted
Air Quality Analysis
Noise Impact Analysis
Special Provision(s), if required
Ecology Reports and Addenda
Reference Page from STIP/TIP
Farmland Rating Form (NRCS Form AD 1006), if required
Floodplain/Floodway (Hydraulic and Hydrologic Study cover page or anticipated results), if floodplains are encroached upon
Traffic Analysis, includes traffic disruption coordination and detailed analysis if required
Logical Termini package, if required

Source: Summarized from Programmatic Categorical Exclusion Checklist. See the checklist for details.

### Categorical Exclusion

The CE is composed of the following:

### CE Form

This includes general project information followed by tables listing any required concurrences and summarizing the results of the effects evaluation. It also includes the signatures of the individuals responsible for document preparation, review, and approval.

For the effects evaluation tables, “None” means that the resource is not present. “No Involvement” means that the resource is present but not affected, and “Involvement” means that the resource may be affected by the project.

### Attachment 1: Effects Evaluation

This attachment is the main part of the CE. It includes the project description, the project’s Need & Purpose, and a detailed discussion of the effects evaluation for all resources identified as “No Involvement” or “Involvement.” The survey reports and technical studies should be *summarized* in these discussions, not repeated verbatim.

### Attachment 2: Correspondences

This attachment includes:

- > Early Coordination prepared by the Environmental Analyst and any response letters;
- > Letters and emails transmitting Environmental SME survey reports and technical studies to FHWA;
- > FHWA correspondence (letter or email) to federal agencies requesting consultation (e.g., US Fish and Wildlife Service [USFWS] or Advisory Council on Historic Preservation); and
- > Agency concurrences as required. Examples include State Historic Preservation Office concurrences to history survey, archaeology survey, and the cultural resources AOE (not including the Section 106 Notification); USFWS or National Marine Fisheries Service concurrences to Section 7 effects; and USFWS concurrences for Fish and Wildlife Coordination Act requirements.

### Other Attachments, as Needed

These may include:

- > Section 4(f) Evaluation, if required;
- > Conceptual Stage Study (approval page only), if the project includes displacements;
- > Public Involvement Materials: Handout, Summary of Comments, Comments, and Response Letters; and
- > Other material, if required.



Survey reports, technical studies, or other investigations should not be attached to the CE. If FHWA requests a copy of the UST investigation, for example, it should be submitted separately.

## REVIEW AND APPROVAL

A PCE should be approved by OES within seven weeks of its submittal for initial review—either from a consultant Environmental Analyst’s first submittal or the GDOT Environmental Analyst’s first submittal to a Team Leader. The initial review requires four weeks. Following this review, the preparer addresses the comments (about one week) and resubmits the PCE for approval, which generally takes two more weeks for approval and processing.

CEs require more layers of review. Table 3 illustrates the CE timeline:

Table 3 – CE Review Timeline

Activity	Reviewer/Preparer	Duration
Review of First Submittal	OES Environmental Analyst/ Team Leader Reviewer	4 Weeks
Revisions and Resubmittal	Preparer (OES or Consultant Environmental Analyst)	1 Week
Review of Revised Submittal	OES Environmental Analyst/ Team Leader Reviewer	2 Weeks
Revisions and OES First Submittal to FHWA	Preparer (OES or Consultant Environmental Analyst)	1 Week
FHWA Review of First Submittal	FHWA Reviewer	3 Weeks
Revisions and OES Revised Submittal to FHWA	Preparer (OES or Consultant Environmental Analyst)	1 Week
FHWA Review of Revised Submittal and CE Approval	FHWA Reviewer	2 Weeks
<i>Total Time</i>		<i>14 Weeks</i>

Based on the *OES Document Review Policy* and the *GDOT-FHWA Stewardship Agreement*, adjusted to weeks.

CEs typically receive one round of OES comments and one round of FHWA comments. In rare cases, due to schedule delays, approval may be needed in fewer than 14 weeks. In these cases, the OES Environmental Analyst should request an expedited and/or concurrent review from the OES Reviewer. If the schedule requires an expedited review from FHWA, an Assistant Office Head should ask FHWA for an expedited review.

Responses to FHWA comments must include a disposition of comments letter that clearly states how the Environmental Analyst responded to each comment. Once approved, the Environmental Analyst should be aware that any changes will require additional review by OES and possibly a Reevaluation.

### *Guidebook Revision History*

Revision Description	Relevant Sections	Revision Date
Initial Publication	All	10/16/2020